

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. SACV 12-01724-CJC(ANx)

Date: October 31, 2012

Title: MOHAMED MAHMOUD BEDIER V. UNITED STATES OF AMERICA, ET AL.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Nancy Boehme
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR FAILURE TO STATE A CLAIM**

Mohamed Mahmoud Bedier filed his Complaint against the United States of America, et al. (collectively, “Defendants”) on October 5, 2012 alleging eight causes of action including violations of his First and Fifth Amendment constitutional rights, false imprisonment, negligence, intentional infliction of emotional distress, and violation of the Religious Freedom Restoration Act (“RFRA”). Mr. Bedier is a citizen and native of Lebanon. On August 16, 2006, he pled guilty and was convicted of aid by misrepresentation and sentenced to probation. As a consequence of his conviction, Mr. Bedier was placed in removal proceedings and has been detained since March 27, 2012. His claims stem from his detention pending his removal to Lebanon.

Based upon a review of the Complaint, it appears that Mr. Bedier fails to state a claim upon which relief can be granted. The Court noted a number of problems with Mr. Bedier’s complaint in the October 10, 2012 Order denying his motion for a temporary restraining order. (Dkt. No. 8.) Among other problems, the specific facts underlying Mr. Bedier’s claim that he was denied a proper diet seem to show that he was in fact provided a Halal diet. Additionally, the pleadings related to his claim of being denied the right to pray are mere conclusions, lacking the facts necessary to state a proper claim. Moreover, Mr. Bedier’s common law claims appear to be barred by the Federal Tort Claims Act. Accordingly, the Court orders Mr. Bedier to show cause why this case should not be

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dismissed for failure to allege any cognizable claim. Mr. Bedier shall file an opposition to the Court's order to show cause by November 14, 2012. Defendants shall then have until November 21, 2012 to file a response. This matter will be decided on the papers without any hearing.

mtg

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Initials of Deputy Clerk nkb